

1 Bill No. G-89- 06-17

2 *As Amended* GENERAL ORDINANCE NO. G-~~89~~- 16-89

3 AN ORDINANCE PROHIBITING THE CITY OF FORT WAYNE
4 FROM PLEDGING REVENUE FROM THE COUNTY OPTION
5 INCOME TAX (C.O.I.T.) FOR A BOND ISSUE

6 WHEREAS, the Common Council of the City of Fort
7 Wayne upon the initiation of the Mayor of the City of Fort
8 Wayne, and as a member of the County Income Tax Council,
9 recently proposed an ordinance to the County Income Tax
10 Council establishing for the first time, a County Option
11 Income Tax (C.O.I.T.); all pursuant to the terms of Indiana
12 Code §6-3.5-6-1, et seq.; and

13 WHEREAS, within the context of said statute, a
14 County Income Tax Council is established for each County in
15 the State of Indiana, the membership of which consists of
16 the fiscal body of the County, and the fiscal body of each
17 city or town that lies either partially or entirely within
18 the County; and

19 WHEREAS, utilizing procedures described in said
20 chapter of the Indiana Code, a County Income Tax Council may
21 adopt ordinances to, impose the County Option Income Tax
22 Council in its County, rescind the County Option Income Tax
23 in its County, increase the County Option Income Tax for the
24 County, freeze the County Income Tax for its County, or
25 increase the homestead credit in its County; and

26 WHEREAS, by the terms of Indiana Code §6-3.5-6-12
27 the County Option Income Tax imposed by the County Income
28 Tax Council under that chapter of the Indiana Code remains
29 in effect until rescinded; and

30 WHEREAS, pursuant to the terms of Indiana Code
31 §6-3.5-6-12, the County Income Tax Council of a County may
32 rescind the County Option Income Tax by passing an ordinance
to rescind the tax after January 1st but before June 1st of
the year; and

1 WHEREAS, prior to the 1989 session of the Indiana
2 Legislature, that power of the County Income Tax Council to
3 annually rescind the County Income Tax Council after January
4 1st but before June 1st of any year has been unrestricted;
5 and

6 WHEREAS, the Indiana Legislature recently passed
7 House Enrolled Act No. 2068 which made the power of a County
8 Income Tax Council to rescind the County Option Income Tax
9 subject to a new subsection (c) of the aforesaid I.C.
10 §6-3.5-6-12, which subsection provides that a County Income
11 Tax Council may not rescind the County Income Tax or take
12 any action that would result in a civil taxing unit in the
13 County having a smaller distributive share than the distrib-
14 utive share to which it was entitled when it pledged County
15 Income Tax, if the civil taxing unit or any commission,
16 board, department or authority that is authorized by statute
17 to pledge County Income Tax, has pledged County Option
18 Income Tax for any purpose permitted by I.C. 5-1-14 (relating to
19 the issuance of bonds) or any other statute; and

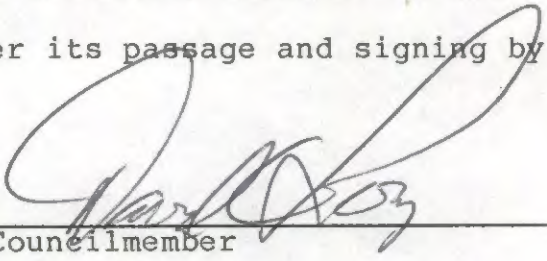
20 WHEREAS, the recent passage by the Common Council
21 of the City of Fort Wayne, holding the majority percentage
22 of votes on the Allen County Income Tax Council of an ordi-
23 nance proposing the imposition of a County Option Income Tax
24 Council for Allen County was done pursuant to Indiana Code
25 §6-3.5-6-1 prior to the aforesaid amendment, wherein the
26 County Income Tax Council, and the Common Council of the
27 City of Fort Wayne, as its majority member, held an unre-
28 stricted right to annually rescind the County Option Income
29 Tax.

30 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
31 OF THE CITY OF FORT WAYNE, INDIANA:

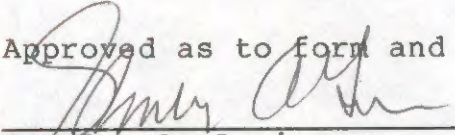
32 Section 1. That the City of Fort Wayne is abso-
lutely prohibited from pledging revenue generated by the

1 County Option Income Tax for any purposes permitted by I.C.
2 §5-1-14, or any other bond and/or lease statute.

3 Section 2. That this ordinance shall be in full
4 force and effect from and after its passage and signing by
5 the Mayor.

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7 
Councilmember

8 Approved as to form and legality:

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10 Stanley A. Levine
11 Legal Advisor to the City of Fort Wayne
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Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time by
title and referred to the Committee on _____ (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Conference Room 128, City-County Building,
Fort Wayne, Indiana, on _____, the _____, day
of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Jim Quanta,
seconded by Edmond, and duly adopted, placed on its
passage. PASSED ~~lost~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMOND	<u>✓</u>			
GIAQUINTA	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
STIER				
TALARICO	<u>✓</u>			

DATED: 7-11-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (GENERAL)
(SPECIAL) (~~ZONING MAP~~) ORDINANCE RESOLUTION NO. B-16-89
on the 11th day of July, 1989,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____,
at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

Passed by all Councilmembers
to Override the Mayor's Veto
of July 7, 1989.

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time by
title and referred to the Committee on _____ (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Conference Room 128, City-County Building,
Fort Wayne, Indiana, on _____, the _____, day
of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury,
seconded by Talarico, and duly adopted, placed on its
passage. PASSED ~~Lost~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8			
BRADBURY	✓			
BURNS	✓			
GIAQUINTA	✓			
HENRY	✓			
LONG	✓			
REDD	✓			
SCHMIDT	✓			
STIER				
TALARICO	✓			

DATED: 6-27-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____

(SPECIAL) _____ (ZONING MAP) _____ ORDINANCE RESOLUTION NO. 9-16-89
on the 27th day of June, 1989,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 28th day of June, 1989,
at the hour of 11:00 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19_____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

Utabad
7/7/89
11:30 AM
P. Helmke

1 WHEREAS, prior to the 1989 session of the Indiana
2 Legislature, that power of the County Income Tax Council to
3 annually rescind the County Income Tax Council after January
4 1st but before June 1st of any year has been unrestricted;
5 and

6 WHEREAS, the Indiana Legislature recently passed
7 House Enrolled Act No. 2068 which made the power of a County
8 Income Tax Council to rescind the County Option Income Tax
9 subject to a new subsection (c) of the aforesaid I.C.
10 §6-3.5-6-12, which subsection provides that a County Income
11 Tax Council may not rescind the County Income Tax or take
12 any action that would result in a civil taxing unit in the
13 County having a smaller distributive share than the distrib-
14 utive share to which it was entitled when it pledged County
15 Income Tax, if the civil taxing unit or any commission,
16 board, department or authority that is authorized by statute
17 to pledge County Income Tax, has pledged County Option
18 Income Tax for any purpose permitted by I.C. (relating to
19 the issuance of bonds) or any other statute; and

20 WHEREAS, the recent passage by the Common Council
21 of the City of Fort Wayne, holding the majority percentage
22 of votes on the Allen County Income Tax Council of an ordi-
23 nance proposing the imposition of a County Option Income Tax
24 Council for Allen County was done pursuant to Indiana Code
25 §6-3.5-6-1 prior to the aforesaid amendment, wherein the
26 County Income Tax Council, and the Common Council of the
27 City of Fort Wayne, as its majority member, held an unre-
28 stricted right to annually rescind the County Option Income
29 Tax.

30 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
31 OF THE CITY OF FORT WAYNE, INDIANA:

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lutely prohibited from pledging revenue generated by the



THE CITY OF FORT WAYNE

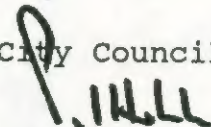
In March of this year, the Fort Wayne City Council, at my request, took steps to implement a local tax reform package which transfers some of the burden of financing local government from property owners to all those who earn an income in Allen County, Indiana. This local tax reform package was and continues to be an important step in providing for the future strength and viability of local government. I fully support and am committed to this tax reform package. It would be a serious mistake for this to be reversed by future councils.

In addition, as local governmental units face the challenges of the 1990's, it is my belief that they should be able to fully use their available resources - subject to existing controls - to meet the increasing demands of their respective publics for governmental services, as well as to repair their deteriorating infrastructures.

While I am hesitant to pay for today's expenses with future tax revenues - and have yet to submit any long-term bonding or borrowing proposals to the City Council - I feel that each taxing unit needs to make such decisions on their own. Our crazy-quilt system of local government does need reform, but this cannot be done by having one governmental unit tell another what to do.

It is not necessary for the Fort Wayne City Council to reject all bonding with future income tax revenues as a policy matter, when Council can just as easily evaluate any future bonding or borrowing requests on a case by case basis. In addition, it is not prudent to call into question or jeopardy the bond ratings of local governmental units by placing some revenue streams outside the possible consideration of those who rate our ability to repay our loans.

Accordingly, I am hereby vetoing City Council Resolution R-48-89 and Ordinance No. G-16-89.


- - Paul Helmke,
Mayor
July 7, 1989

BILL NO. G-89-06-17

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
STIER, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) PROHIBITING THE
CITY OF FORT WAYNE FROM PLEDGING REVENUE FROM THE COUNTY
OPTION INCOME TAX (C.O.I.T.) FOR A BOND ISSUE

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND
BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID

(ORDINANCE) (~~RESOLUTION~~) Do Pass

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<u>Janet G. Bradbury</u>	_____	_____	_____
<u>Samuel Talarico</u>	_____	_____	_____
<u>David C. Long</u>	_____	_____	_____
<u>Stier</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATED: 6-27-89.

Sandra E. Kennedy
City Clerk